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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,233	11/03/2003	James Michael Quackenbush	019377-00100	3765

7590 06/03/2008  
John Wilson Jones  
Attn: IP Docketing Clerk  
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600 Travis, Suite 3400  
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EXAMINER
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RONESI, VICKEY M

ART UNIT	PAPER NUMBER
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1796

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*Attachment to Advisory Action*

Applicants' amendment filed on 5/22/2008 has been fully considered; however, the amendment has not been entered given that it is not in compliance, it introduces the issue of new matter and raises other new issues that would require further consideration and/or search.

With respect to non-compliance issues, see the attached "Notice of Non-Compliant Amendment." Although not in compliance, in the interest of better enabling the applicants to assess the patentability of their claims, the following advisory is given.

With respect to the issue of new matter, claims 1, 18, 27, and 29 recite that "the composition is pourable." It is the examiner's position that this phrase fails to satisfy the written description requirement of 35 USC 112, first paragraph since there does not appear to be a written description requirement of the phrase "the composition is pourable" in the application as originally filed, *In re Wright*, 866 F.2d 422, 9 USPQ2d 1649 (Fed. Cir. 1989) and MPEP 2163. While there is support for the exemplified composition being conveyed by "pouring" on page 30, line 22 in the specification, there is no support for all claimed compositions being capable of being poured, i.e., "pourable."

With respect to other new issues, claims 1, 18, 27, and 29 have amended to include a new limitation, i.e. that "the composition is pourable." It is the examiner's position that this is a new issue since this is a new limitation from the specification. Therefore, the amendment would require further consideration and/or search.

5/30/2008  
Vickey Ronesi

/V. R./  
Examiner, Art Unit 1796

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/VASUDEVAN S. JAGANNATHAN/  
Supervisory Patent Examiner, Art Unit 1796